

Article 84B.

Medical Release of Inmates.

§ 15A-1369. Definitions.

For purposes of this Article, the term:

- (1) "Commission" means the Post-Release Supervision and Parole Commission.
- (2) "Division" means the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.
- (3) "Geriatric" describes an inmate who is 65 years of age or older and suffers from chronic infirmity, illness, or disease related to aging that has progressed such that the inmate is incapacitated to the extent that he or she does not pose a public safety risk.
- (4) "Inmate" means any person sentenced to the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.
- (5) "Medical release" means a program enabling the Commission to release inmates who are permanently and totally disabled, terminally ill, or geriatric.
- (6) "Medical release plan" means a comprehensive written medical and psychosocial care plan that is specific to the inmate and includes, at a minimum:
 - a. The proposed course of treatment;
 - b. The proposed site for treatment and post-treatment care;
 - c. Documentation that medical providers qualified to provide the medical services identified in the medical release plan are prepared to provide those services; and
 - d. The financial program in place to cover the cost of this plan for the duration of the medical release, which shall include eligibility for enrollment in commercial insurance, Medicare, or Medicaid or access to other adequate financial resources for the duration of the medical release.
- (7) "Permanently and totally disabled" describes an inmate who, as determined by a licensed physician, suffers from permanent and irreversible physical incapacitation as a result of an existing physical or medical condition that was unknown at the time of sentencing or, since the time of sentencing, has progressed to render the inmate permanently and totally disabled, such that the inmate does not pose a public safety risk.
- (8) "Terminally ill" describes an inmate who, as determined by a licensed physician, has an incurable condition caused by illness or disease that was unknown at the time of sentencing or, since the time of sentencing, has progressed to render the inmate terminally ill, and that will likely produce death within six months, and that is so debilitating such that the inmate does not pose a public safety risk. (2008-2, s. 1; 2011-145, s. 19.1(h); 2017-186, s. 2(zzz).)